LEGISLATION NO: _0267-21__  SPONSOR: Mark A. Freeland

TITLE: An Action Relating to an Emergency; Approving a One-Time Waiver of the Navajo Nation Personnel Policies Manual, Section X(B)(1)(e), to Allow Employees to Carry Over All of Their 2021 Accrued Annual Leave for One Calendar Year Until December 31, 2022

Date posted: _December 25, 2021 at 8:06 AM_

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 et. seq.
LEGISLATIVE SUMMARY SHEET

Tracking No. 0267-21

DATE: December 21, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY; APPROVING A ONE-TIME WAIVER OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X (B)(1)(e), TO ALLOW EMPLOYEES TO CARRY OVER ALL OF THEIR 2021 ACCRUED ANNUAL LEAVE FOR ONE CALENDAR YEAR UNTIL DECEMBER 31, 2022

PURPOSE: If approved, this resolution will waive Section X (B)(1)(e) of the Navajo Nation Personnel Policies Manual which will allow employees to carry over their 2021 accrued annual leave to December 31, 2022.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL - Third Year, 2021

Introduced by:

(Prime Sponsor)

Tracking No. 0267-21

AN ACTION
RELATING TO AN EMERGENCY; APPROVING A ONE-TIME WAIVER OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X(B)(1)(e), TO ALLOW EMPLOYEES TO CARRY OVER ALL OF THEIR 2021 ACCRUED ANNUAL LEAVE FOR ONE CALENDAR YEAR UNTIL DECEMBER 31, 2022.

BE IT ENACTED:

SECTION ONE. AUTHORITY
A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
B. Pursuant to 2 N.N.C. §164 (A)(16) "[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council."
C. The Navajo Nation Council is deeply concerned that Navajo Nation Employees of the Executive and Legislative Branch will lose their accrued 2021 annual leave per the Navajo
Nation Personnel Policies Manual. Currently the COVID-19 pandemic is still rampant within the Navajo Nation and continues to negatively affect Navajo Nation employees and their families. Forfeiture of badly needed paid leave hours would be unconscionable during this unprecedented time of health and financial hardships. The Navajo Nation Council therefore finds it necessary to waive the Navajo Nation Personnel Policies Manual to allow employees to carry over all of their accrued annual leave for one (1) calendar year until December 31, 2022.

D. This legislation is offered as an Emergency Resolution because of the December 31, 2021 deadline upon which all Navajo Nation employees will lose their accrued annual leave in excess of 320 hours, and immediate action is required to prevent this forfeiture.

SECTION TWO. FINDINGS


C. Resolution CAU-48-21 was deemed fully enacted which required all Navajo Nation Employees to receive the COVID-19 vaccination. Since enactment of Resolution CAU-48-21, the COVID-19 virus has mutated into other variants and the disease continues to be rampant within the Navajo Nation.


E. The COVID-19 pandemic has impacted the Navajo Nation employees and their families negatively, and it is necessary to waive the Navajo Nation Personnel Policies Manual to carryover 2021 accrued annual leave until December 31, 2022 to protect the health, safety and welfare of Navajo Nation employees.

F. The Navajo Nation Personnel Policies Manual is designed to assist supervisors in handling human resources issues fairly and consistently, and to outline the rights, benefits, and duties
expected of Executive and Legislative Branch employees. See, Navajo Nation Personnel Policies Manual, § I (A) (June 3, 2020). The Manual applies to all employees of the Executive and Legislative Branches of the Navajo Nation government, regardless of funding source or employment status. Navajo Nation Personnel Policies Manual, § I(B) (June 3, 2020).

G. The Navajo Nation Personnel Policies Manual, § X(B)(1)(e), states:

**X. LEAVE ADMINISTRATION**

... 

**B. Paid Leave**

... 

1. Annual Leave

... 

e. Carryover

At the end of each leave year, all hours in excess of 320 hours shall be forfeited. Forfeited hours shall not be paid.

H. The Navajo Nation Council is concerned that the COVID-19 pandemic has caused widespread negative effects upon Navajo Nation employees and their families, and the forfeiture of badly needed paid leave hours would be unconscionable during this unprecedented time of health and financial hardships. The Council therefore finds it necessary to approve a one-time waiver of the Navajo Nation Personnel Policies Manual, § X(B)(1)(e), to allow employees to carry over all of their 2021 accrued annual leave for one calendar year until December 31, 2022. Time is of the essence because a one-time waiver of the Navajo Nation Personnel Policies Manual (June 3, 2021) must be in effect by December 31, 2021.

I. During the current COVID-related emergency, it is necessary for the Navajo Nation Council to approve a one-time waiver of the Navajo Nation Personnel Policies Manual, § X(B)(1)(e), to allow employees to carry over all of their 2021 accrued annual leave for one calendar year until December 31, 2022.
SECTION THREE. APPROVAL OF A ONE-TIME WAIVER TO THE NAVAJO
NATION PERSONNEL POLICIES MANUAL

The Navajo Nation Council hereby approves a one-time waiver of the Navajo Nation
Personnel Policies Manual, Section X(B)(1)(e), to allow employees to carry over all of their
2021 accrued annual leave for one calendar year until December 31, 2022. After December
31, 2022 annual leave accrued by an employee in excess of 320 hours shall then be forfeited
unless a further carryover is approved by the Health, Education, and Human Services
Committee or the Navajo Nation Council.

SECTION FIVE. EFFECTIVE DATE

The provisions of this Action shall become effective pursuant to 2 N.N.C. §221(B).

SECTION FIVE. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Supreme Court of the Navajo
Nation, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme
Court, the remainder of this legislation shall remain valid as the law of the Navajo Nation.